

**CEQA Improvement Advisory Group Concept Paper**  
**Linking Voluntary Smart Planning with CEQA Improvement**

A new chapter would be added to Title 7 (Planning and Land Use) of the Government Code that provides for the following.

- 1) A voluntary smart plan may be adopted by a council of governments as defined in Government Code Section 65582, or a joint powers agency formed by at least three public agencies with a combined population in excess of 100,000 residents, or a county with a population in excess of 100,000 residents. The voluntary smart plan must take into account the plans and planning activities of state, federal and other public and private agencies. To accomplish this objective, such other entities (including air districts, watershed councils, and other resource agencies) will participate in the voluntary smart planning process. The process will also take advantage of any existing planning exercises, including regional transportation plans, regional conservation planning concepts within any regional habitat conservation plans or natural community conservation plans, and any regional agricultural planning (such as Department of Conservation mapping of productive agricultural land).
- 2) The council of government, joint power agency, or county will enter into discussions with relevant local, state, and federal entities, as well as other relevant parties, to develop a voluntary smart plan that is designed to meet certain state goals and outcomes (described below), as well as incorporate the adopted general plans of the participating localities. There must be significant public outreach and education to ensure public input into the planning process.
- 3) If the participating local jurisdictions reach consensus on a voluntary smart plan, then each local jurisdiction shall agree to implement the voluntary smart plan and, if necessary, update its general plan and zoning ordinances to conform to the applicable policies within the voluntary smart plan. Future general plan updates or amendments of the general plans of the participating localities must also incorporate state goals that are applicable to the locality.
- 4) The voluntary smart plan must undergo CEQA review. The legislation may provide a special procedure for voluntary smart plans, similar to a General Plan EIR or the Master EIR, i.e., a front-loaded approach that seeks to eliminate or minimize subsequent environmental review. The entity undertaking the voluntary smart plan (i.e., the council of governments, joint powers agency, or county) would be the lead agency and would certify the EIR. Each local plan could be challenged only on the ground that it was not consistent with the voluntary smart plan.
- 5) After approval of the voluntary smart plan and certification of the plan's EIR, project sponsors can develop specified projects identified and evaluated within the voluntary smart plan EIR with little or no subsequent CEQA review. Legal challenges would

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be limited to whether the project was consistent with the local plan and implemented voluntary smart plan requirements.

- 6) The State will develop a blueprint of goals and outcomes that will, among other things: (a) foster the development of more housing for all income levels; (b) improve transportation; and (c) protect open space, resource land, and productive agricultural land. The State blueprint will provide general parameters and directions that can then be applied regionally and locally. The voluntary smart plan must meet these goals and outcomes. Examples of goals and outcomes include:
  - a) Adequate housing supply (parameters for adequate housing supply)
  - b) Habitat and agricultural protection (parameters for smart conservation of valuable areas)
  - c) Orderly pattern of development (e.g., growth in environmentally preferable locations; parameters for transportation, infrastructure)
  - d) Efficient use of land (e.g., parameters for reduction of amount of raw land converted for development)
  - e) Adequate water supply (e.g., parameters for insuring dry weather supply, reducing consumption).
- 7) Financial incentives for voluntary smart planning could come from a variety of sources:
  - a) Regional planning law currently allows for tax levies; this could be modified to support voluntary smart planning.
  - b) An infrastructure bond measure could provide infrastructure funding for voluntary smart planning areas.
  - c) Environmental enhancement fund (project sponsors pay into a fund instead of doing an EIR). It has been estimated that developers might pay up to \$20,000 per housing unit for certainty of development within 6 months of application, with no CEQA review.
  - d) Federal transportation dollars or other federal funds
  - e) Tax increment financing or Mello Roos financing.
  - f) Half cent increase in sales tax.
- 8) Reporting and Accountability. The council of government, joint power agency, or county shall be responsible on an ongoing basis for monitoring the success of the voluntary smart plan in meeting the goals and outcomes identified by the state and reporting its findings on a periodic basis.